

14 May 2013
English only

Economic Commission for Europe

Meeting of the Parties to the Convention
on Environmental Impact Assessment
in a Transboundary Context

Meeting of the Parties to the Convention
on Environmental Impact Assessment in
a Transboundary Context serving as the
Meeting of the Parties to the Protocol on
Strategic Environmental Assessment

Working Group on Environmental Impact Assessment and Strategic Environmental Assessment

Second meeting

Geneva, 27–30 May 2013

Item 2 of the provisional agenda

Status of ratification

Status at 10 May 2013

Note by the secretariat¹

I. Status of ratification of the Convention, its amendments and its Protocol

State	Convention		Amendments		Protocol	
	Signature ²	Ratification ³	1 st	2 nd	Signature ²	Ratification ³
<i>Date adopted/in force</i>	25/02/1991	10/09/1997	27/02/2001	04/06/2004	21/05/2003	11/07/2010
<i>No. Parties to Convention at that date</i>			31	40		
Albania	26/02/1991	04/10/1991	12/05/2006	12/05/2006	21/05/2003	02/12/2005
Andorra						
Armenia		21/02/1997			21/05/2003	24/01/2011
Austria	25/02/1991	27/07/1994	14/09/2006	14/09/2006	21/05/2003	23/03/2010
Azerbaijan		25/03/1999				
Belarus	26/02/1991	10/11/2005	23/03/2011	*		
Belgium	26/02/1991	02/07/1999	*	*	21/05/2003	
Bosnia and Herzegovina		14/12/2009			21/05/2003	
Bulgaria	26/02/1991	12/05/1995	25/01/2007	25/01/2007	21/05/2003	25/01/2007
Canada	26/02/1991	13/05/1998				
Croatia		08/07/1996	11/02/2009	11/02/2009	23/05/2003	06/10/2009
Cyprus		02/07/2000			21/05/2003	*

¹ Primary source: <http://treaties.un.org>

² Signature or succession to signature

³ Ratification, accession, approval, acceptance

* Steps being taken towards ratification soon, according to information provided.

State	Convention		Amendments		Protocol	
	Signature ²	Ratification ³	1 st	2 nd	Signature ²	Ratification ³
Czech Republic	30/09/1993	26/02/2001	18/04/2007	18/04/2007	21/05/2003	19/07/2005
Denmark	26/02/1991	14/03/1997	*	*	21/05/2003	04/06/2012
Estonia		25/04/2001	12/04/2010	12/04/2010	21/05/2003	12/04/2010
Finland	26/02/1991	10/08/1995	*	*	21/05/2003	18/04/2005
France	26/02/1991	15/06/2001		22/11/2011	21/05/2003	
Georgia					21/05/2003	
Germany	26/02/1991	08/08/2002	08/08/2002	22/02/2007	21/05/2003	22/02/2007
Greece	26/02/1991	24/02/1998			21/05/2003	
Hungary	26/02/1991	11/07/1997	29/05/2009	29/05/2009	21/05/2003	26/11/2010
Iceland	26/02/1991					
Ireland	27/02/1991	25/07/2002			21/05/2003	
Israel						
Italy	26/02/1991	19/01/1995			21/05/2003	
Kazakhstan		11/01/2001				
Kyrgyzstan		01/05/2001	*	*		*
Latvia		31/08/1998	*	*	21/05/2003	
Liechtenstein		09/07/1998				
Lithuania		11/01/2001	22/03/2011	22/03/2011	21/05/2003	22/03/2011
Luxembourg	26/02/1991	29/08/1995	05/05/2003	04/05/2007	21/05/2003	02/07/2008
Malta		20/10/2010				
Monaco						
Montenegro		09/07/2009	09/07/2009	09/07/2009	23/10/2006	02/11/2009
Netherlands	25/02/1991	28/02/1995	14/04/2009	14/04/2009	21/05/2003	08/12/2009
Norway	25/02/1991	23/06/1993	24/02/2010	24/02/2010	21/05/2003	11/10/2007
Poland	26/02/1991	12/06/1997	20/07/2004	11/01/2012	21/05/2003	21/06/2011
Portugal	26/02/1991	06/04/2000	*	09/03/2012	21/05/2003	04/09/2012
Republic of Moldova		04/01/1994	*	*	21/05/2003	
Romania	26/02/1991	29/03/2001	16/11/2006		21/05/2003	08/03/2010
Russian Federation	06/06/1991					
San Marino						
Serbia		18/12/2007			21/05/2003	08/07/2010
Slovakia	28/05/1993	19/11/1999	29/05/2008	29/05/2008	19/12/2003	29/05/2008
Slovenia		05/08/1998	*	*	22/05/2003	23/04/2010
Spain	26/02/1991	10/09/1992	16/07/2008	06/04/2009	21/05/2003	24/09/2009
Sweden	26/02/1991	24/01/1992	30/03/2006	30/03/2006	21/05/2003	30/03/2006
Switzerland		16/09/1996	16/06/2010	15/03/2013		
Tajikistan						
The former Yugoslav Republic of Macedonia		31/08/1999			21/05/2003	
Turkey						
Turkmenistan						
Ukraine	26/02/1991	20/07/1999			21/05/2003	
United Kingdom of Great Britain and Northern Ireland	26/02/1991	10/10/1997			21/05/2003	
United States of America	26/02/1991					
Uzbekistan						
European Union ⁴	26/02/1991	24/06/1997	18/01/2008	18/01/2008	21/05/2003	12/11/2008

⁴ Ratification by the European Union does not count towards the entry into force of the Convention, its amendments (by extension of art. 18, para. 3) or its Protocol.

State	Convention		Amendments		Protocol	
	Signature ²	Ratification ³	1 st	2 nd	Signature ²	Ratification ³
Counts:	30	45	20	20	38	25
	For entry into force, needed: ⁵		33	33		
	with 2nd amendment/ with confirmation of the text below:		23	30		

II. Facilitating entry into force of the two amendments and the Protocol

1. With a view to speeding up the entry into force of the two amendments to the Convention, the Executive Secretary of the Economic Commission for Europe (ECE) wrote to the Legal Counsel of the United Nations as had been requested by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment, at its first session (24–26 April 2012). The letter confirmed that the expression "by at least three fourths of these Parties" in decision V/2 relating to the interpretation of article 14 of the Convention, which was adopted by the Meeting of the Parties in June 2011, is to be interpreted as meaning by at least three fourths of the number of Parties to the Convention at the time of the adoption of the amendments in question (and not by three fourths of the actual States that were Parties at the time of their adoption). The United Nations Treaty Depository was invited to take the above-mentioned interpretation into account when determining the entry into force of the two amendments to the Espoo Convention.

2. The Legal Counsel responded confirming that as requested, the UN Secretary-General, as depositary, would apply this interpretation, which is in line with the meaning given by the depositary to similar provisions, in determining when the conditions for the entry into force of the amendments to the Espoo Convention have been met.

3. In the light of the above, without counting the European Union, **three** more instruments of ratification, approval or acceptance are required in order for the first amendment of 27 February 2001 to enter into force, and **ten** more instruments of ratification, approval or acceptance are required in order for the second amendment of 4 June 2004 to enter into force.

4. At its meeting in 31 January–1 February 2013, the Bureau noted the response of the Legal Counsel. It agreed that Parties should aim for a rapid entry into force of the two amendments to the Convention, and no later than by the next sessions by the Meetings of the Parties. The Bureau also renewed its request to the Executive Secretary of the ECE to the Parties to the Convention, identifying those that had adopted the amendments, or the Protocol, with a view to encouraging their prompt ratification. For member States of the European Union, the letter should highlight that as the European Union was already party to the two amendments and the Protocol. It approved a template for the draft letters to be addressed to the Ministers of Foreign Affairs and of the Environment of the States Parties to the Convention and tailored to each individual Party.

5. As requested by the Bureau, the ECE Executive Secretary sent letters to 27 State Parties to the Convention in early May 2013.

6. The Working Group may wish to agree on possible further actions to encourage accession to or ratification of the Convention and the Protocol, and in particular to facilitate the entry into force of the two amendments to the Convention.

⁵ Calculated on the basis of the number of State Parties to the Convention at the time of acceptance of the amendments by a particular State, i.e. currently 44.

II. Opening up of the Convention to non-ECE countries

7. In April 2012, the Working Group had noted that the above mentioned interpretation of article 14 would above all lead to the early entry into force of the first amendment on the opening of the Convention to all Member States of the United Nations. However, the entry into force of the first amendment in itself would not allow accession by countries outside the ECE region: in line with the restrictive formulation of that amendment, the MOP could consider and approve any request for accession only after all the States and organizations that had been Parties to the Convention at the time of the adoption of the amendment in 2001 had ratified the amendment. "The Meeting of the Parties shall not consider or approve any request for accession by such a [non-ECE] State until this paragraph has entered into force for all the States and organizations that were Parties to the Convention on 27 February 2001" (art. 17, para. 3, as amended).

8. In addition, the requirement for approval by the Meeting of the Parties further complicates the accession by non-ECE countries, creating a differentiation between ECE member States, which can accede to the Convention without any approval, and non-ECE countries which need approval.

9. Facing a similar situation, the Meeting of the Parties to the ECE Convention on the Protection and the Use of Transboundary Watercourses and International Lakes (Water Convention) adopted at its sixth session (28–30 November 2012) a decision "expressing the unanimous desire to enable the accession by non-ECE countries as soon as possible" (see annex to this document). This decision was motivated by the conviction that the Water Convention was "an effective instrument to support cooperation also beyond the region of ECE" and by the wish of the Parties to "share the knowledge, practices and experience collected in the 20 years since the adoption of the Convention and at the same time benefit from the knowledge, practices and experience in other regions of the world". To this end, the MOP removed the requirement for prior approval of the accession by stipulating that:

"[The Meeting of the Parties,] decides that, for the purposes of the amendment to article 25 of the [Water] Convention, adopted by decision III/1, any future request for accession to the Convention by any Member of the United Nations that is not member of the United Nations Economic Commission for Europe is welcome, and therefore shall be considered as approved by the Meeting of the Parties."

10. The Parties to the Water Convention decided, however, to keep the approval subject to the entry into force of the amendment opening up the Convention for all the States and organizations that were Parties to the Convention on the date of the adoption of the amendments.

11. At its last meeting, the Bureau considered the decision by the Water Convention MOP to expedite and facilitate the accession by non-ECE countries. It did not reach a consensus on following a similar approach under the Espoo Convention, including due to the current resource limitations, but agreed to submit the matter for consideration by the Working Group at its second meeting.

12. The Working Group is invited to:

(a) Consider whether the Meeting of the Parties to the Espoo Convention should next session adopt a decision that would facilitate the opening of the Convention to countries outside the ECE region; and address: (i) need to simplify the approval process by the Meeting of the Parties; and (ii) timeline for the procedure for accession by non-ECE countries;

(b) Propose actions and sources of funding for further promoting the interest by non-ECE countries in the Convention and its activities.

III. Status of the Bucharest Agreement⁶

Multilateral agreement among the countries of South-East Europe for implementation of the Convention (Bucharest, 2008)
– in force from 25 February 2011

<i>Participant</i>	<i>Signature, Succession to signature(d)</i>	<i>Ratification, Acceptance(A), Approval(AA), Accession(a), or one of the previous actions but unspecified (u)</i>
Albania	-	
Bosnia and Herzegovina	-	
Bulgaria	20 May 2008	23 Jan 2009 AA
Croatia	20 May 2008	
Greece	20 May 2008	
Montenegro	20 May 2008	28 Dec 2009 u
Romania	20 May 2008	
Serbia	20 May 2008	
The former Yugoslav Republic of Macedonia	20 May 2008	26 Jan 2011 u

⁶ Source: Ministry of Foreign Affairs of Romania, with Romania being the Depositary for the Agreement.

Annex: Decision on accession by non-United Nations Economic Commission for Europe countries by Meeting of the Parties to the ECE Water Convention

The Meeting of the Parties,

Expressing the firm belief that cooperation among riparian States on transboundary watercourses and international lakes contributes to peace and security and to sustainable water management, and is to everyone's benefit,

Reconfirming the conviction that the Convention on the Protection and Use of Transboundary Watercourses and International Lakes is an effective instrument to support cooperation also beyond the region of the United Nations Economic Commission for Europe (ECE),

Wishing to share the knowledge, practices and experience collected in the 20 years since the adoption of the Convention, and, at the same time, to benefit from the knowledge, practices and experience in other regions of the world,

Also wishing to collectively promote river basin cooperation throughout the world, including by offering a global intergovernmental platform for exchange and debate on transboundary water issues and for supporting the implementation of international water law,

Recalling its decision III/1 of 28 November 2003 to amend the Convention's articles 25 and 26, as well as the spirit of that decision,

Recognizing the increased interest in the Convention and its activities by many non-ECE countries and their wish to accede to the Convention,

Acknowledging the need for a procedure for accession by non-ECE countries not differing from the procedure for accession by ECE-countries,

Expressing the unanimous desire to enable the accession by non-ECE countries as soon as possible,

1. *Expresses its satisfaction* that the amendments to articles 25 and 26 adopted by decision III/1 will enter into force on 6 February 2013, in accordance with article 21, paragraph 4, of the Convention, for those States that have accepted them;

2. *Urges* all the States and organizations that were Parties to the Convention on 28 November 2003 that have not yet done so to ratify the amendments to articles 25 and 26 as soon as possible, not later than by the end of 2013;

3. *Calls* for the strengthening of cooperation with non-ECE countries interested in acceding to the Convention, with a view to promoting mutual exchange of experience as well as the application of the Convention beyond the ECE region;

4. *Decides* that, for the purposes of the amendment to article 25 of the Convention, adopted by decision III/1, any future request for accession to the Convention by any Member of the United Nations that is not a member of the United Nations Economic Commission for Europe is welcome and, therefore, shall be considered as approved by the Meeting of the Parties. This approval is subject to the entry into force, for all the States and organizations that were Parties to the Convention on 28 November 2003, of the amendments to articles 25 and 26. A State or organization referred to in article 23 of the Convention that becomes a Party to the Convention between the adoption of this decision and the entry into force of article 25, paragraph 3, for all the States and organizations that were Parties to the Convention on 28 November 2003 shall be notified by the ECE secretariat of this decision and that the State or organization is deemed to have accepted it;

5. Accordingly, reference to the present decision will have to be made by any Member State of the United Nations that is not referred to in article 23 of the Convention when submitting its instrument for accession;

6. *Requests* the secretariat to inform the United Nations Treaty Section about this procedure so that appropriate arrangements can be made, and to disseminate information on the procedure to interested Members of the United Nations which are not members of the Economic Commission for Europe.